

GOVERNMENT OF ANDHRA PRADESH  
A B S T R A C T

SUITS –LA– SRSP– Karimnagar District – O.P.No.43/85 pertaining to Nusthulapur (V) Thimmapur (M) - Sanction of decretal charges of Rs.6,55,676/- - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A1) DEPARTMENT

G.O.RT.NO. 795

DATE:15.10.2009

Read:

From the Spl.CS to Govt & CCLA, AP, Hyd.Lr.No.SRP2/31/09, dt:19.02.09 along with the proposal of the Spl.Collector, LA,SRSP, SSP, & JCRGLIP, Hyderabad.

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ORDER:

The Secretary to the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has submitted the proposals for sanction of decretal charges in respect of O.P.NO.43/85 of Nusthulapur (Village) of Thimmapur (M) of Karimnagar District. The then LAO, LA Unit, LMD Colony, Karimnagar has acquired land for an extent of Acs.570.33 gts in the limits of Nusthulapur (V) of Thimmapur (M) by fixing the land value @Rs.3,200/-, Rs.5,600/-Rs.8,400/- and acquired wells Rs.901/- etc and acquired medium Sendhi trees Rs.10/ each and small trees Rs.5/-. Having dissatisfied, the awardees have filed petitions u/s.18 of L.A.Act and referred the cases to the Sub-ordinate Judge, Karimnagar in its orders dt:27.04.1985 has enhanced the land value from Rs.3,200/-, Rs.5,600/- and Rs.8,400/- to Rs.7,000/-, Rs.8,500/- and Rs.12,000/- and from Rs.901/- to Rs.4,000/- in Sy.No.412 etc and from Rs.10/- to Rs.40/- vide Award No.2/82-83, dt:27.05.1982. As the enhancement was more than 50% the Special Deputy Collector has filed an appeal. Accordingly, an amount of Rs.21,02,026/- was sanctioned and deposited on 12.05.86 in the concerned court. The Hon'ble High Court of A.P, Hyd in CMP No.3574/85, dt:18.10.85 in AS No.657/86 while dismissing the appeal and in modification of the decree of the Lower Court the Hon'ble court ordered and decreed that in addition to the market value of the land 12% AMV p.a as contemplated under 23 (1-A) of the Amended L.A.Act. 68/1984, 30% Solatium as stipulated under sec.23 (3) of the said act. That the payment of AMV, Solatium and interest as stipulated in clauses 1 to 3 supra, shall be subject to decision of the Supreme Court.

2) After careful examination of the matter, Government hereby accorded sanction for an amount of **Rs.6,55,676/-** (Rupees Six lakhs fifty five thousand six hundred and seventy six only) in respect of O.P.No.43/85 pertaining to Nusthulapur (V) Thimmapur (M) of Karimnagar District subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government/ Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The Special Collector, LA, SSP & JCRGLIP, Hyderabad is directed to follow the directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.43/85 for avoiding intervention of the middleman.

4) The expenditure sanctioned in para (2) above, shall be debitable to the following Head of Account under "2701 – Capital Out Lay – M&MI-01 – Major Irrigation – 116. SRSP Stage-I, Scheme included in Plan, G.H (11) Normal State Plan – S.H (26) Dams and Appurtenant works – 530 - Major works – 532 – Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O.No.3991/F4(2)/2009-1, dated:15.10.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS  
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector, LA, SSP, JCRGLIP, Tarnaka, Hyderabad.

The Special Deputy Collector, LA Unit-I, LMD Colony, Karimnagar.

The Administrative-cum-Chief Engineer, SRSP, M.J.Road, Hyderabad.

The Director of Works Accounts, SRSP, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.810/LA.III(A1)/2009.

SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER